?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 02.11.2018

*CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
+Crl.O.P.(MD).No.19760 of 2018
and
Crl.M.P.(MD)No.9025 of 2018

#Nagaraj : Petitioner
Vs.

$1.The State rep by
The Inspector of Police,
Palanichettyapatti Police Station,
Theni District.
(Crime No.528 of 2016)

2.Dineshkumar : Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in Crime No.528 of 2018 on the file of the 1st respondent and quash the same against this petitioner.

!For Petitioner : Mr.R.Narayanan
^For R1 : Ms.S.Bharathi
Government Advocate (Crl.Side)

:ORDER

This petition has been filed to quash the proceedings in Crime No.528 of 2018 on the file of the first respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is a Government Servant. There is a civil dispute that is pending between the petitioner?s father and his neighbour. The second respondent is a building contractor. According to the learned counsel for the petitioner, the petitioner was not even present in the scene of occurrence, which will be evident from the certificate given by the Ayyampalayam Town Panchayat, wherein it has been stated that the petitioner was present in the office on 19.09.2018 from 10.00 am to 02.00 pm. The alleged incident is said to have taken place on 19.09.2018 at 10.15 am. Therefore, the learned counsel for the petitioner would submit that the petitioner has been unnecessarily arrayed as accused, by which he was arrested and kept under suspension.

4.This Court does not want to interfere with the investigation at this stage. The respondent police is directed to consider the materials that have been relied by the petitioner in order to ensure whether the petitioner was actually present in the scene of occurrence during the alleged incident. The respondent police is directed to complete the investigation and file a report before the concerned Court within a period of two months from the date of receipt of a copy of this order.

5.This criminal original petition is disposed of with the above direction. Consequently, connected miscellaneous petition is also closed.

To

1.The Inspector of Police,
Palanichettyapatti Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.